

STATE OF INDIANA) IN THE ST JOSEPH _____ COURT
) SS:
COUNTY OF ST JOSEPH) SITTING AT SOUTH BEND, INDIANA

NECKEYA BALDWIN and)
TY'REEK POWELL,)
)
Plaintiffs,)
)
v.) CAUSE NO. 71D05-2205-CT-000169
)
RUBENS TRUCKING, INC. and)
JUAN MARTINEZ,)
)
Defendants.)

COMPLAINT

Plaintiffs, TY'REEK POWELL and NECKEYA BALDWIN, for their Complaint against RUBENS TRUCKING, INC., (hereinafter "RUBENS TRUCKING"); and JUAN MARTINEZ (hereinafter "MARTINEZ"), allege and state as follows:

1. At all times relevant, RUBENS TRUCKING was and is an interstate motor carrier subject to the Federal Motor Carrier Safety Regulations, operating through and within the state of Indiana.
2. At all times relevant, MARTINEZ was a professional truck driver operating RUBENS TRUCKING's tractor-trailer.
3. At all times relevant, Plaintiff NECKEYA BALDWIN ("NECKEYA") was and is a resident of Elkhart County, Indiana.

4. At all times relevant, Plaintiff TY'REEK POWELL ("Ty'Reek") was and is a resident of Elkhart County, Indiana.

5. At all times relevant herein, there was in full force and effect in the State of Indiana I.C. § 8-2.1-24-18, a statute incorporating by reference, *inter alia*, Parts 390, 391, 392, 393, 395, and 396 of the Federal Motor Carrier Safety Regulations (hereinafter "FMCSRs").

6. At all times relevant, MARTINEZ was a professional truck driver employed by RUBENS TRUCKING.

7. On February 17, 2022, MARTINEZ was operating RUBENS TRUCKING'S 2015 Peterbilt conventional semi-tractor with an attached flatbed trailer (hereinafter collectively "the tractor-trailer"), under the dispatch and control of RUBENS TRUCKING, eastbound on State Road 2 in New Carlisle, Indiana.

8. On January 25, 2022, TY'REEK and NECKEYA were in a Hyundai Sonata, lawfully traveling in the right lane of eastbound State Road 2 in New Carlisle, Indiana.

9. On and before January 25, 2022, RUBENS TRUCKING, and its principals, managers, agents, and/or employees including MARTINEZ, were subject to the Federal Motor Carrier Safety Regulations and owed NECKEYA and TY'REEK and others lawfully traveling on the roadway, a duty to use reasonable care.

10. On and before January 25, 2022, RUBENS TRUCKING and MARTINEZ breached the foregoing duties and were negligent, willful, wanton and/or reckless.

11. On January 25, 2022, as a direct and proximate result of the aforesaid negligence, willfulness, wantonness, and/or recklessness, RUBENS TRUCKING and MARTINEZ drove from the left lane to the right lane, and crashed their tractor-trailer with great force and violence into the left side of the car in which Neckeya and Ty'Reek were riding.

12. As a direct and proximate result of the foregoing crash and the conduct of RUBENS TRUCKING and MARTINEZ, TY'REEK was physically injured, suffered physical injuries, suffered emotional distress and sustained other permanent and severe personal injuries; he incurred and will incur ambulance, hospital, diagnostic, surgical, therapeutic, pharmaceutical, and other medical expenses; he suffered and will suffer physical pain, mental suffering, terror, fright, loss of enjoyment of life, and permanent impairment; he lost time or wages and impairment of his earnings capacity; and Ty'Reek incurred other injuries and damages of a personal and pecuniary nature.

13. As a direct and proximate result of the foregoing crash and the conduct of RUBENS TRUCKING and MARTINEZ, NECKEYA was physically injured, suffered physical injuries, suffered emotional distress and sustained other permanent and severe personal injuries; she incurred and will incur ambulance, hospital, diagnostic, surgical, therapeutic, pharmaceutical, and other medical expenses; she suffered and will suffer physical pain, mental suffering, terror, fright, loss of enjoyment of life, and permanent

impairment; she lost time or wages and impairment of her earnings capacity; and NECKEYA incurred other injuries and damages of a personal and pecuniary nature.

14. At all times relevant herein, RUBENS TRUCKING exerted authority over MARTINEZ's operation of its tractor-trailer, the means and methods employed by MARTINEZ in his work, and provided him with the equipment, including, but not limited to, the tractor-trailer, and motor carrier license necessary to accomplish his assigned tasks. As MARTINEZ's employer and/or principal, RUBENS TRUCKING is vicariously liable for his negligence and conduct.

WHEREFORE, TY'REEK POWELL and NECKEYA BALDWIN, seek the entry of judgment in their favor and against RUBENS TRUCKING, INC. and JUAN MARTINEZ, and each of them, for compensatory and punitive damages in an amount to be determined herein, prejudgment interest, for the costs of this action, and for any and all other relief that the Court and Jury may deem proper under the circumstances.

ALLEN LAW GROUP
Attorneys for Plaintiffs

/s/Bryan L. Bradley

Bryan L. Bradley (17877-46)

JURY DEMAND

Plaintiffs demand trial by jury on their Complaint.

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